

### **REMARKS/ARGUMENTS**

Reconsideration of this Application and entry of this Amendment is respectfully requested. Claims 1, 2, 5-7, 9, 11 and 27 have been amended to more specifically claim the Applicant's invention. Claims 23 and 24 have been canceled. These amendments are made without prejudice to subject matter that may be claimed in subsequent applications related to the present case. No new matter was included in the amended claims.

#### **35 U.S.C. §102 Rejections**

Claims 1, 2, 5, 6 and 9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hossainy. The Examiner states that Hossainy teaches coated stents that reduce the incidence of restenosis through the delivery of therapeutic agents contained in the coating.

Applicants have amended claim 1 to read "A site-specific drug delivery medical device consisting essentially of ~~a site-specific delivery device for the controlled release~~ of at least one peroxisome proliferator-activated receptor gamma (PPAR $\gamma$ ) agonist and at least one biocompatible polymer."

A claim is anticipated under 35 U.S.C. §102 only if each and every element as set forth in a claim is found, either expressly or inherently described, in a single prior art reference (MPEP §2131; *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d, 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987)). Hossainy does not teach coating a medical device with a PPAR $\gamma$  agonist. Hossainy does not teach each and every element in amended claim 1 and therefore amended claim 1 is not anticipated by Hossainy. Additionally, because claims 2, 5, 6, and 9 depend from claim 1, they are also not anticipated by Hossainy.

Therefore claims 1, 2, 5, 6 and 9 of the instant application are not anticipated by Hossainy *et al.* and Applicant respectfully requests that the 35 U.S.C. §102(e) rejection of these claims be withdrawn.

Claims 1, 2, and 9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Straub *et al.* The Examiner states that Straub teaches porous microparticles

containing an active agent, including rosiglitazone, and PEG. Specifically Straub teaches formulation of drugs in porous matrices to improve dissolution of the drug in aqueous media. Straub does not teach a medical device, nor coating a medical device with a PPAR $\gamma$  agonist and a biocompatible polymer. Straub does not teach each and every element in amended claim 1 and therefore amended claim 1 is not anticipated by Straub. Additionally, because claims 2 and 9 depend from claim 1, they are also not anticipated by Straub.

Therefore claims 1, 2 and 9 of the instant application are not anticipated by Straub *et al.* and Applicant respectfully requests that the 35 U.S.C. §102(e) rejection of these claims be withdrawn.

### **35 U.S.C. §112 Rejections**

Claims 1, 2, 5-7, 9, 11, 23, 24, 27 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1 and 11 have been amended as suggested by the Examiner. Furthermore, dependent claims 2, 5-7, 9 and 27 have been amended accordingly.

Claims 23 and 24 have been canceled.

Therefore, Applicants respectfully request that the 35 U.S.C. §112, second paragraph rejection of currently pending claims 1, 2, 5-7, 9, 11 and 27 be withdrawn.

**Conclusion**

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 543-5021.

Respectfully submitted,

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